



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1995

Mr. Christopher B. Gilbert
Attorney for La Marque I.S.D.
Bracewell & Patterson
711 Louisiana Street
Houston, Texas 77002-2781

OR95-726

Dear Mr. Gilbert:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34640.

The La Marque Independent School District (the "district"), which you represent, received an open records request for a document entitled "Preliminary Budget Document, 1995-96." You contend that the requested information comes under the protection of sections 552.106 and 552.111 of the Government Code.

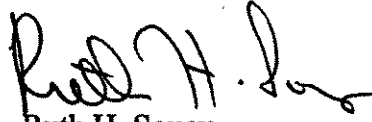
Section 552.111 of the Government Code excepts interagency and intra-agency memoranda and letters, but only to the extent that they contain advice, opinion, or recommendation intended for use in the entity's policymaking process. Open Records Decision No. 615 (1993) at 5. The purpose of this section is "to protect from public disclosure advice and opinions *on policy matters* and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.) (emphasis added). In Open Records Decision No. 615 (1993) at 5, this office held that

to come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters [Emphasis in original.]

This office believes that the proposed budget, which directly relates to the manner in which district funds will be allocated throughout the district, constitutes a "policy matter" directly affecting the policy mission of the district so as to invoke the protection of section 552.111. Cf. Open Records Decision No. 631 (1995) (consultant's report concerning university's overall faculty hiring and retention policies excepted from required public disclosure by section 552.111). See also Open Records Decision No. 559 (1990) (drafts of documents intended for future release may be withheld under section 552.111). Accordingly, the district may withhold the proposed budget from the public pursuant to section 552.111.¹ Because we conclude that you may withhold the proposed budget under section 552.111, we do not address your arguments under section 552.106.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/RWP/rho

Ref.: ID# 34640

Enclosures: Submitted documents

cc: Ms. Heidi Lutz
Staff Reporter
Galveston County Daily News
P.O. Box 628
Galveston, Texas 77553
(w/o enclosures)

¹In so holding, we assume that the draft budget has not previously been released to the public. To the extent that the proposed budget has been publicly disclosed during a public meeting or otherwise, that information may not now be withheld from the public. See Gov't Code § 552.007.